

**FILED****United States District Court**

JUL 24 2008

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Venue: San Francisco

V.

CRIMINAL COMPLAINT

**ME.I**

CASE NUMBER:

**3 - 08 - 70469**FARID HUMBERTO TEJADA BERRIOS  
a/k/a FARIN TEJADO  
a/k/a FARID TEJUDA  
a/k/a FARID BERRIOS  
a/k/a FARID HUMBERTO TEJADO  
a/k/a FARID TEJADAI, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about July 15, 2008 in Sonoma County, in the Northern District of California defendant,FARID HUMBERTO TEJADA BERRIOS (a/k/a FARIN TEJADO, FARID TEJUDA, FARID BERRIOS, FARID HUMBERTO TEJADO and FARID TEJADA), an alien, after having been removed, excluded, and deported from the United States, was thereafter found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States, in violation of Title 8 United States Code, Section(s) 1326.I further state that I am a Deportation Officer and that this complaint is based on the following facts:  
Official Title**SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT****PENALTIES:** Imprisonment for not more than 20 years, a fine of not more than \$250,000.00, a \$100.00 dollar special assessment, and 3 years supervised release.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ NoWarrant of Arrest Requested: ☐ Yes ☒ NoBail Amount: **NO BAIL**

Signature of Complainant

Sworn to before me and subscribed in my presence,

7-24-08

at

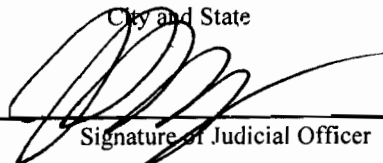
San Francisco, California

Date

City and State

**Honorable Maria-Elena James****United States Magistrate Judge**

Name &amp; Title of Judicial Officer



Signature of Judicial Officer

STATE AND NORTHERN DISTRICT OF CALIFORNIA )  
 ) ss, AFFIDAVIT  
CITY AND COUNTY OF SAN FRANCISCO )

I, Polly E. Kaiser, Deportation Officer, U.S. Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

## I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against FARID HUMBERTO TEJADA BERRIOS, a/k/a FARIN TEJADO, FARID TEJUDA, FARID BERRIOS, FARID HUMBERTO TEJADO and FARID TEJADA, for violating 8 U.S.C. § 1326. The facts set forth in this Affidavit are based on my review of TEJADA-BERRIOS'S official Immigration file (No. A37 221 139), my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all of the facts related to TEJADA-BERRIOS that I know.

## II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Deportation officer with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for over 5 years. I am currently assigned to ICE's San Francisco, California office, and I am responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

### III. APPLICABLE LAW

3. Title 8 U.S.C. § 1326 provides criminal penalties for “any alien who . . . has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien’s reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act . . . .”

#### IV. FACTS ESTABLISHING PROBABLE CAUSE

4. TEJADA-BERRIOS is a 36 year-old male who is a native and citizen of El Salvador. TEJADA-BERRIOS was deported from the United States to Mexico on May 11, 2005.

5. Prior to his deportation, on or about August 4, 1993, TEJADA-BERRIOS was convicted

of lewd and lascivious acts with a child under the age of 14, in violation of California Penal Code §§ 288(a) and 288(b). On or about March 28, 2005, TEJADA-BERRIOS was convicted of failing to register as a sex offender, in violation of California Penal Code § 290.

6. TEJADA-BERRIOS last entered the United States illegally on an unknown date in 2007 by voluntarily crossing into Arizona through the international border with Mexico by foot. TEJADA-BERRIOS knowingly remained in the United States without first having obtained the consent to reapply for admission from the Attorney General of the United States or the United States Secretary of Homeland Security.

7. The official Immigration file for TEJADA-BERRIOS contains one executed Warrant of Removal. The Warrant of Removal is dated May 11, 2005.

8. On or about July 15, 2008, an Immigration and Customs Enforcement (ICE) agent found TEJADA-BERRIOS pursuant to his incarceration at Sonoma County Jail in Santa Rosa, California on unrelated charges.

9. On July 16, 2008, ICE Agent Anthony Taitague interviewed TEJADA-BERRIOS at the ICE San Francisco District Office located in San Francisco, California. After TEJADA-BERRIOS was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, he admitted that his true name was FARID HUMBERTO TEJADA BERRIOS. TEJADA-BERRIOS admitted that he is a citizen and national of El Salvador and that he had been previously deported from the United States. He also admitted that he illegally reentered the United States in 2007.

10. On July 16, 2008, at the ICE San Francisco District Office, TEJADA-BERRIOS'S fingerprints and photos were submitted into the Auto Biometric Identification System (IDENT). IDENT information confirmed TEJADA-BERRIOS'S identity under Fingerprint Identification Number (FINS) 1537334. The same TEJADA-BERRIOS who was previously encountered by immigration officials.

11. On July 21, 2008, a full set of rolled fingerprints belonging to TEJADA-BERRIOS was submitted to the Automated Fingerprint Identification Center ("AFIS"), for further verification of identity. Along with the full set of prints belonging to TEJADA-BERRIOS, the single print appearing on the Warrant of Removal for FARID HUMBERTO TEJADA BERRIOS were submitted for comparison. TEJADA-BERRIOS'S fingerprints matched those on file under FBI Record Number 697967RA6. The original print appearing on the May 11, 2005 Warrant of Removal for TEJADA-BERRIOS has been submitted for further analysis. Results are pending. However, the photo appearing on the Warrant of Removal matches those photos appearing in the official immigration file for TEJADA-BERRIOS.

12. In addition, TEJADA-BERRIOS admitted in his Sworn Statement given before ICE Agent Tony Taitague on July 16, 2008, that he had previously been deported from the United

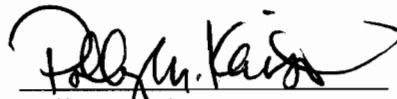
States one time in May 2005. The date of the Warrant of Removal is May 11, 2005.

13. An ICE database called the Deportable Alien Control System (DACS) which is updated when an alien is removed from the United States, documented the May 11, 2005 removal of TEJADA-BERRIOS by name, Immigration File Number (A37 221 139) and FBI Record Number: 697967RA6.

14. There is no indication in ICE's official files that TEJADA-BERRIOS has applied for or been granted the requisite permission to reenter the United States from either the Attorney General of the United States or the Secretary of Homeland Security.

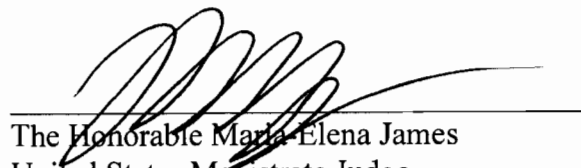
## V. CONCLUSION

15. On the basis of the above information, I submit that probable cause exists to believe that FARID HUMBERTO TEJADA BERRIOS, a/k/a FARIN TEJADO, FARID TEJUDA, FARID BERRIOS, FARID HUMBERTO TEJADO and FARID TEJADA illegally reentered the United States following deportation, in violation of 8 U.S.C. § 1326.



Polly E. Kaiser  
Deportation Officer  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
San Francisco, California

Subscribed and sworn to before me this 24 day of July, 2008.



The Honorable Maria-Elena James  
United States Magistrate Judge  
Northern District of California  
San Francisco, California